

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	8:04CR384
)	
Plaintiff,)	
)	
vs.)	MEMORANDUM AND ORDER
)	
JEROME BASS,)	
)	
Defendant.)	

This matter is before the court on its own motion and on the mandate of the Eighth Circuit Court of Appeals, Filing No. [220](#). It has come to the court's attention that the defendant remains incarcerated at Douglas County Correctional Center ("DCC") in Omaha, Nebraska. He was transported from Federal Prison Camp Leavenworth to DCC on January 8, 2009.

A jury found Jerome Bass guilty conspiracy to distribute and possess cocaine base, in violation of Title 21, U.S.C. §§ 41(a)(1) and 841(b)(1)(B). See Filing No. [96](#).

After trial, Jerome Bass filed a motion for a new trial which was granted by the district court. The government appealed that decision and the Eighth Circuit Court of Appeals reversed the district court and remanded the case for sentencing. [*United States v. Bass*, 478 F. 3d 948 \(8th Cir. 2007\)](#). Jerome Bass was then sentenced by the district court to a term of 120 months on June 8, 2007. Filing No. [150](#), Judgment in a Criminal Case. Bass challenged his conviction and sentence, but the Eighth Circuit Court affirmed. Filing No. [165](#).

Bass then filed for postconviction relief. Filing No. [178](#). The court set the matter for hearing and ordered the defendant to be present. Filing No. [193](#). There was a hearing on the motion on January 22, 2010. Filing No. 194. The district court ultimately granted the

defendant's motion for postconviction relief, effectively vacating the judgment. Filing No. [197](#). The government appealed. Filing No. [200](#). The Eighth Circuit reversed this court's judgment. Filing No. [217](#). A formal mandate was issued by the Eighth Circuit on October 31, 2011. Filing No. [220](#).

Pursuant to that mandate, the court finds that the Judgment in a Criminal Case, Filing No. [150](#), should be reinstated. In accordance with the Judgment, the defendant is committed to the custody of the United States Bureau of Prisons to serve the remainder of his term of imprisonment and shall be given credit for time served. Accordingly,

IT IS HEREBY ORDERED:

1. The Judgment in a Criminal Case (Filing No. [150](#)) is reinstated.
2. The defendant is committed to the custody of the United States Bureau of Prisons to serve the remainder of his term of imprisonment and shall be given credit for time served.
3. The Clerk of Court is directed to prepare a certified copy of this Memorandum and Order and the Judgment in a Criminal Case (Filing No. [150](#)) and submit same to the U.S. Marshal's Office for forwarding to the appropriate division of the Bureau of Prisons.

DATED this 21st day of December, 2011.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge

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